

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF COLORADO**
Bankruptcy Judge Sidney B. Brooks

In re:)	
)	
)	Bankruptcy Case No. _____
SS# _____ and)	Chapter _____
)	
SS# _____,)	
)	
Debtor _____.)	
_____)	
)	
_____,)	
)	
Plaintiff _____,)	
)	
v.)	Adversary Proceeding No. _____
)	
_____,)	
)	
Defendant _____.)	

**ORDER AND NOTICE OF TRIAL PURSUANT TO
FED.R.BANKR.P. 7016 (FED.R.CIV.P. 16(b))**

IT IS ORDERED that the provisions of Fed.R.Civ.P. 26, as amended effective December 1, 2000, shall apply to this proceeding, subject to the provisions of this Order.

IT IS FURTHER ORDERED that the parties adhere to the following deadlines:

1. Amended Pleadings. Motions to amend or supplement pleadings or to join additional parties must be filed by _____. This deadline pertains to timing only, parties must comply with Fed.R.Civ.P. 15(a).

2. Expert Witnesses. Disclosures and written reports required by Fed.R.Civ.P. 26(a)(2) must be made and exchanged on or before _____. If evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party under Fed.R.Civ.P. 26(a)(2)(B), disclosure must be made on or before _____.

3. Duty to Supplement-Sanctions. All disclosures and responses to discovery shall be timely supplemented pursuant to Fed.R.Civ.P. 26(e). Failure to timely disclose, or incomplete, false or misleading disclosures, may result in Fed.R.Civ.P. 37(c) sanctions.

4. Discovery. Discovery must be **completed** by _____. “Completed” means that all depositions are concluded and that responses to written discovery are due on or before the discovery completion date. The special provisions regarding limited and simplified discovery as specified in Local Bankruptcy Rule 726.1 **shall apply** in this adversary proceeding.

5. Dispositive Motions. Dispositive motions, if any, must be filed by _____. Any response to a dispositive motion **shall** be filed with the Court and served on interested parties **within fifteen (15) days after mailing** of the dispositive motion. **Dispositive motions and their supporting memoranda and the responses thereto and their supporting memoranda shall be limited to 15 pages double-spaced 12 point font. Motions, responses and memoranda in excess of the foregoing limitations may only be filed upon leave of court. Replies to responses to dispositive motions may only be filed upon leave of court.**

If the dispositive motion is a motion for summary judgment, the movant shall set forth, **specifically, in a one sentence paragraph-by-paragraph format (each sentence/paragraph shall be numbered)**, the alleged material facts which exist without substantial controversy (i.e. the undisputed facts). The movant shall identify, **with specificity**, all pleadings, depositions, answers to interrogatories, and admissions on file, together with any affidavits in support of these undisputed material facts. The moving party must also set forth the specific basis upon which it is entitled to judgment as a matter of law, including specific citations to statutes and case law supportive, or in contradiction, of its motion.

The responding party shall state, **in a one sentence paragraph-by-paragraph format (each sentence/paragraph corresponding to the movant’s paragraphs of alleged material facts which exist without substantial controversy)**, in short and plain terms the party’s admissions or denials as to each of the movant’s alleged material facts and shall identify all pleadings, depositions, answers to interrogatories, and admissions on file, together with any affidavits which refute the alleged undisputed material facts. The responding party shall further set forth the basis upon which the responding party asserts that the moving party is not entitled to judgment as a matter of law, including specific citations to statutes and case law supportive, or in contradiction, of its motion.

Failure to comply with the above procedure will result in denial of the relief requested and/or sanctions upon the party and counsel failing to comply.

6. Witnesses and Exhibits. The disclosures required by Fed.R.Civ.P. 26(a)(3) and (a)(4) must be made on or before _____. Exhibits must be marked for identification **(Plaintiff-numbers and Defendant-letters)** and exchanged at the time the disclosures are made. **Written objections directed to the exhibits must be filed and served on opposing counsel or party on or before _____, otherwise all objections except as to relevancy are waived.**

7. Pretrial Statement. On or before _____, the parties, through counsel, if applicable, must confer and must prepare and submit to the Court on or before _____, a pretrial statement setting forth the following:

- a. A brief summary of the claims and defenses of each party;
- b. A concise statement of stipulated and uncontested facts;
- c. A concise statement of the issues that are in dispute;
- d. A brief statement of all points of law relied upon, citing pertinent statutes, standards, cases and other authority; and
- e. If applicable, an itemization of damages with a description of the basis for the calculation.

8. Final Pretrial Conference. A final pretrial conference shall be held on _____, commencing at _____, in Courtroom E, U.S. Bankruptcy Court, U.S. Custom House, 721 19th Street, Denver, Colorado 80202-2508.

9. Trial. The matter is set for a _____-day trial, commencing on _____, at _____, in Courtroom E, U.S. Bankruptcy Court, U.S. Custom House, 721 19th Street, Denver, Colorado 80202-2508.

10. At the Commencement of the Trial.

- a. Witness List: Provide two (2) copies of the witness list to the Law Clerk _____ Courtroom Deputy and one (1) copy to each opposing counsel or party.
- b. Exhibit List: Provide two (2) copies of the list of exhibits you intend to offer to the Law Clerk _____ Courtroom Deputy and one (1) copy to each opposing counsel or party.
- c. Exhibits:
 - (i) Provide the original plus one copy of each exhibit to the Law Clerk: the copy is for the Court and the original shall be used by the witness(es). Each exhibit must have been marked for identification before the trial or hearing. **(Plaintiff-numbers and Defendant-letters)**
 - (ii) Exhibits should be placed in a binder and indexed.

IT IS FURTHER ORDERED that, unless a party requests amendments to this Order on or before _____, no modifications will be entertained by the Court. Failure to comply with this Order may result in imposition of appropriate sanctions pursuant to Fed.R.Bankr.P. 7016 and 7037 (Fed.R.Civ.P. 16 and 37).

Dated this ____ day of _____, _____.

BY THE COURT:

Sidney B. Brooks,
United States Bankruptcy Judge